

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

MARK KOKOSZKI, individually and on  
behalf of all others similarly situated,

Case No. 2:19-cv-10302-BAF-RSW

Hon. Bernard A. Friedman

Plaintiff,

v.

PLAYBOY ENTERPRISES, INC., a  
Delaware corporation,

Defendant.

\_\_\_\_\_ /

**DECLARATION OF JENNIFER M. KEOUGH REGARDING NOTICE  
ADMINISTRATION**

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer of JND Legal Administration LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator<sup>1</sup> in the above-captioned litigation (“Action”) for the purposes of administering the Class Action Settlement Agreement (“Settlement Agreement”) preliminarily approved by the Court in its Amended Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class

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<sup>1</sup> Capitalized terms used and otherwise not defined in this Declaration shall have the meanings given such terms in the Settlement Agreement.

Representative, Appointing Class Counsel, and Approving Notice Plan (“Order”), dated on February 7, 2020.

3. This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

#### **CAFA NOTICE**

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM containing the following documents:

- a. Class Action Complaint and Demand for Jury Trial, filed on January 30, 2019;
- b. Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement, filed on January 31, 2020;
- c. Class Action Settlement Agreement, filed on January 31, 2020, and including the proposed Class Notices, Unidentified Class Member Claim Form, and the Stipulation Regarding Undertaking re: Attorneys’ Fees, Costs, and Expenses;
- d. Amended Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan (ECF No. 18), filed on February 7, 2020.

5. The CD-ROM was mailed on February 10, 2020, to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

#### **CLASS MEMBER DATA**

6. On March 10, 2020, counsel for the Defendant produced to JND an electronic list from Defendant’s records that Defendant’s counsel represented as including all of the names, last known U.S. Mail addresses, and email addresses, to the extent available, belonging to individuals

within the Settlement Class, pursuant to Section 4.1(a) of the Settlement Agreement. The spreadsheet provided to JND by the Defendant contained contact information and other identifying data for a total of 10,668 records.

7. Prior to mailing notices, JND analyzed the raw data to remove duplicate records. JND identified three (3) duplicate records, resulting in 10,665 unique Class Member records. JND updated the Class Member contact information using data from the National Change of Address (“NCOA”) database.<sup>2</sup> The Class Member data was promptly loaded into a database established for this Action.

### **NOTICE MAILING**

8. Pursuant to the Settlement and the Court’s Order Extending Deadlines, on March 27, 2020, JND sent the customized, Court-approved Postcard Notice via U.S Postal Service regular mail to the 10,665 unique Class Members. A representative sample of the Postcard Notice is attached hereto as **Exhibit B**.

9. As of the date of this declaration, JND tracked 661 Postcard Notices that were returned to JND as undeliverable. Of these undeliverable Postcard Notices, JND re-mailed 97 Postcard Notices to forwarding addresses provided by the USPS. For the remaining undeliverable Postcard Notices, JND conducted advanced address searches and received updated address information for 245 Class Members. JND re-mailed the Postcard Notice to the 245 Class Members, and 45 re-mailed Postcard Notices were returned as undeliverable.

10. In the event JND conducted advanced address searches on undeliverable Postcard Notices and could not locate updated address information for Class Members, JND sent the Court-approved Email Notice to the individuals who had an email address from the data. JND sent the Email Notice to 41 individuals, eight (8) of which were undeliverable. A representative sample of the Email Notice is attached hereto as **Exhibit C**.

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<sup>2</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream.

**SUPPLEMENTAL CLASS MEMBER DATA**

11. On May 29, 2020, JND received a supplemental electronic list that included the names, last known U.S. Mail addresses, and email addresses, to the extent available, belonging to individuals of the Settlement Class. The list contained a total of 21,999 records and included records of individuals from the initial electronic list (described in Paragraph 6) as well as individuals who were not included in the initial data.

12. After analyzing the data and removing duplicate records, JND identified 11,341 unique Class Member records that were not included in the initial data. After updating Class Member contact information using data from the National Change of Address (“NCOA”) database, JND promptly loaded the 11,341 additional records into the database that was established for this Action.

**SUPPLEMENTAL NOTICE MAILING**

13. Pursuant to the Court’s Order Granting Parties’ Joint Motion to Extend Deadlines, on June 12, 2020, JND sent an updated customized, Court-approved Postcard Notice via U.S. Postal Service regular mail to the 22,006 Class Members. The Postcard Notice sent to the 10,665 Class Members from the initial Notice mailing also included language to indicate that the Notice contained updated deadlines and details about the Settlement. A representative sample of the Postcard Notice that was mailed to the 10,665 Class Members from the initial Notice mailing is attached hereto as **Exhibit D**. A copy of the Postcard Notice that was mailed to the 11,341 additional Class Members is attached hereto as **Exhibit E**.

14. As of the date of this declaration, JND tracked 1,087 Postcard Notices that were returned to JND as undeliverable. Of these undeliverable Postcard Notices, JND re-mailed 132 Postcard Notices to forwarding addresses provided by the USPS. For the remaining undeliverable Postcard Notices, JND conducted advanced address searches and received updated address information for 334 Class Members. JND re-mailed the Postcard Notice to the 334 Class Members, and 96 re-mailed Postcard Notices were returned as undeliverable.

15. In the event JND conducted advanced address searches on undeliverable Postcard Notices and could not locate updated address information for Class Members, JND sent the Court-approved Email Notice to the individuals who had an email address from the data.

16. JND sent the Email Notice to 72 individuals, 16 of which were undeliverable. The Email Notice that was sent to Class Members from the initial Notice mailing included language to indicate that the Notice contained updated deadlines and details about the Settlement. A representative sample of the Email Notice that was sent to Class Members from the initial Notice mailing is attached hereto as **Exhibit F**. A copy of the Email Notice that was sent to the newly-added Class Members is attached hereto as **Exhibit G**.

17. As of the date of this Declaration, 21,510 Class Members (from the initial and supplemental notice programs) were mailed or e-mailed a Notice which was not returned as undeliverable, representing nearly 97.7% of total Class Members from the data.

#### **SETTLEMENT WEBSITE**

18. On February 18, 2020, JND established a Settlement Website ([www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com)), which hosts copies of important case documents, including, but not limited to, the Notice forms, Fee Petition, Supplemental Fee Petition, and other court filings, answers to frequently asked questions, and Settlement Administrator contact information for telephone, mail, or e-mail contact. The website also allowed Class Members to submit a Claim Form or Exclusion Form electronically.

19. On April 16, 2020 – the same day it was filed – JND uploaded the Fee Petition to the Settlement Website.

20. On July 10, 2020 – the same day it was filed – JND uploaded the Supplemental Fee Petition to the Settlement Website.

21. As of the date of this Declaration, the Settlement Website has tracked 17,562 unique users who registered 83,685 page views.

**TOLL-FREE INFORMATIONAL LINE**

22. On February 18, 2020, JND established a case-specific toll-free telephone number (1-833-900-1639) for Class Members to call to obtain information about the Settlement. The toll-free number is accessible 24 hours a day, 7 days a week.

23. As of the date of this declaration, the toll-free number has received 718 calls.

**REQUESTS FOR EXCLUSION**

24. The Postcard Notice informed Class Members who wanted to exclude themselves from the Settlement (“opt-out”) that they must do so by submitting an exclusion request electronically on the Settlement website or by mailing an exclusion letter to the Settlement Administrator, postmarked on or before July 24, 2020.

25. As of the date of this Declaration, JND has received six (6) exclusion requests (four (4) submitted online and two (2) by mail). Of these, three (3) exclusion requests were initially determined to be valid. Two (2) requests were submitted by individuals who do not appear on the Class List and were determined to be invalid, and one (1) request was determined to be deficient due to missing signature. A list of individuals who submitted an exclusion request is attached hereto as **Exhibit H**.

**OBJECTIONS**

26. The Postcard Notice informed recipients that any Class Members who would like to object to the proposed Settlement may do so by filing a written objection with the Court (and mailing timely postmarked copies of the written objection to Class Counsel and Defendant’s Counsel) by July 24, 2020.

27. As of the date of this Declaration, JND has not received, and is not aware of, any objections submitted by Class Members.

**CLAIMS RECEIVED FROM UNIDENTIFIED CLASS MEMBERS**

28. Pursuant to the terms of the Settlement Agreement, Class Members who are on the Class List (but for whom JND could not locate at least one (1) mailing address that is reasonably likely to reflect the Class Member's current mailing address) were required to submit the Unidentified Class Member Claim Form, submitted electronically or postmarked by July 24, 2020.

29. As of the date of this Declaration, JND has received and processed a total of four (4) valid and timely Claim Forms from Unidentified Class Members.

30. As JND continues to receive Claim Forms, perform quality assurance procedures, and solicit feedback from the Parties, the figure in paragraph 29 may change prior to the benefit distribution. As the claim deadline was July 24, 2020, JND does not expect to receive many additional valid and timely Unidentified Class Member claims.

I declare under the penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on July 30, 2020 at Seattle, Washington.



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JENNIFER M. KEOUGH

# EXHIBIT A





February 10, 2020

United States Attorney General  
and the Appropriate Officials  
Identified in Attachment A

**RE: CAFA Notice of Proposed Class Action Settlement**

Dear Attorney General or Appropriate State Official:

This Notice is being provided to you in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715 on behalf of Defendant, Playboy Enterprises, Inc., a Delaware corporation, in the below-referenced class action ("the Action"). A Class Action Settlement Agreement was submitted for approval to the Court on January 31, 2020. The Court granted preliminary approval of the Class Action Settlement on February 7, 2020.

|                                          |                                                                          |
|------------------------------------------|--------------------------------------------------------------------------|
| <b>Case Name:</b>                        | <i>Mark Kokoszki, et al. v. Playboy Enterprises, Inc.</i>                |
| <b>Case Number:</b>                      | <i>2:19-cv-10302-BAF-RSW</i>                                             |
| <b>Jurisdiction:</b>                     | <i>United States District Court for the Eastern District of Michigan</i> |
| <b>Date Settlement filed with Court:</b> | <i>January 31, 2020</i>                                                  |

Copies of all materials filed in the Action are electronically available on the Court's Pacer website found at <https://pcl.uscourts.gov>. Additionally, pursuant to 28 U.S.C. § 1715 (b), the enclosed CD-ROM contains the following documents filed in the Action:

**01 - Complaint.pdf**

Class Action Complaint and Demand for Jury Trial filed January 30, 2019

**02 - Motion for Preliminary Approval.pdf**

Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement filed on January 31, 2020

**03 - Class Action Settlement Agreement.pdf**

Class Action Settlement Agreement, attaching:

Exhibit A - [Proposed] Notice of Proposed Class Action Settlement

Exhibit B - [Proposed] Postcard Notice

Exhibit C - [Proposed] Long Form Notice

Exhibit D - [Proposed] Claim Form for Unidentified Class Members

Exhibit E - Stipulation Regarding Undertaking re: Attorneys' Fees, Costs, and Expenses

**04 - Preliminary Approval Order.pdf**

Amended Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan (ECF No. 18), filed on February 7, 2020

As of the date of this letter, it is not feasible to provide a breakdown of the Settlement Class in accordance with 28 U.S.C. § 1715(b)(7), as class member data is not currently available. However, we anticipate that the Settlement Class is sufficiently numerous as to include Settlement Class Members potentially residing in all 50 U.S. states, as well as the District of Columbia, and may include Settlement Class Members residing in U.S. territories and associated states.

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representatives at:

J. Michael Huget  
Jeffrey K. Lamb  
Robert M. Riley  
Honigman LLP  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226  
313-465-7000  
Fax: 313-465-7405  
mhuget@honigman.com  
jlamb@honigman.com  
rriley@honigman.com

For questions regarding this Notice, please contact JND at:

JND Class Action Administration  
1100 2nd Ave, Suite 300  
Seattle, WA 98101  
Phone: 800-207-7160

Regards,

/s/

JND Legal Administration

Enclosures

CAFA Notice - Attachment A - Service List

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Anchorage, AK 99501

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Montgomery, AL 36104

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323 Center St  
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Office of the Attorney General  
P.O. Box 890  
Majuro, MH 96960

Ernestine K. Rengiil  
Office of the Attorney General  
P.O. Box 1365  
Koror, PW 96939

# **EXHIBIT B**



COURT AUTHORIZED NOTICE OF CLASS  
ACTION AND PROPOSED SETTLEMENT

**OUR RECORDS INDICATE YOU HAVE  
SUBSCRIBED TO A PLAYBOY PUBLICATION  
AND MAY BE ENTITLED TO A PAYMENT  
FROM A CLASS ACTION SETTLEMENT.**

A settlement has been reached in a class action lawsuit claiming that Defendant, magazine publisher Playboy Enterprises, Inc., disclosed its customers' subscription information to third parties, which is alleged to violate Michigan privacy law. **While Playboy believes that its practices were in compliance with Michigan law, Playboy chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, as the organization has since its founding, and not on additional legal fees and the uncertainty of litigation.**

**How Do I Get More Information?** For more information, including the full Notice, Claim Form and Settlement Agreement go to [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com), contact the settlement administrator by calling 1-(833)900-1639 or writing to Playboy Settlement Administrator, c/o JND Legal Administration, PO Box 91350, Seattle, WA 98111, or contact Class Counsel by calling (646) 837-7150.

*Playboy Magazine Settlement*  
c/o JND Legal Administration  
P.O. Box 91350  
Seattle, WA 98111

**By Order of the Court dated  
February 7, 2020, and amended  
March 16, 2020**



Postal Service: Please do not mark barcode

«CF\_NAME»  
«CF\_ADDRESS\_1»  
«CF\_ADDRESS\_2»  
«CF\_CITY», «CF\_STATE» «CF\_ZIP»

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**Am I a Class Member?** Our records indicate you may be a Class Member. Class Members are persons with a Michigan street address who subscribed to a Playboy Publication to be delivered to a Michigan street address between January 1, 2016 and July 30, 2016, and who did not opt out of Playboy's information sharing service. Playboy Publications include any magazine published by Defendant or one of its subsidiaries in the United States, including but not limited to *Playboy* magazine.

**What Can I Get?** If approved by the Court, a Settlement Fund of \$3,850,000.00 has been established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys' fees and costs to Class Counsel, and a service award to Plaintiff. Once the Settlement becomes Final, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$220 per class member, although the final amount you receive will also depend on the number of requests for exclusion submitted.

**How Do I Get a Payment?** If you are a Class Member, you will automatically receive a *pro rata* share of the Settlement Fund, so long as you do not request to be excluded from the Settlement Class. Your payment will come by check, sent to the address indicated on the front of this notice. If you no longer reside at this address or are planning to change addresses prior to June 10, 2020, please complete and submit a change of address form accessible on the Settlement Website so that your check is sent to the correct address.

**What are My Other Options?** You may exclude yourself from the Class by submitting an online form on the Settlement Website no later than 11:59 p.m. on May 4, 2020 or by sending a letter to the settlement administrator no later than May 4, 2020. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Any written objection must be filed no later than May 4, 2020. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure or subscriber information in this case against the Defendant and others will be released.

**When Will the Court Consider the Proposed Settlement?** The Court will hold the Final Approval Hearing at 11:00 A.M on June 10, 2020 at the Theodore Levin United States Courthouse, Room 120, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for his services in helping to bring and settle this case. Defendant has agreed to pay Class Counsel reasonable attorneys' fees in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**Who Represents Me?** The Court has appointed Bursor & Fisher, P.A. and Hedin Hall LLP to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

# **EXHIBIT C**

From: info@PlayboyMagazineSettlement.com  
To: [JonQClassMember@domain.com](mailto:JonQClassMember@domain.com)  
Re: Legal Notice of Class Action Settlement

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*Kokoszki v. Playboy Enterprises, Inc.*, Case No. 2:19-cv-10302-BAF-RSW  
(United States District Court for the Eastern District of Michigan)

This notice is to inform you of the settlement of a class action lawsuit with publisher Playboy Enterprises, Inc. (“Playboy”), the Defendant in this case. Plaintiff Mark Kokoszki alleges that Defendant disclosed its customers’ subscription information to third parties which is alleged to violate Michigan privacy law. **While Playboy believes that its practices were in compliance with Michigan law, Playboy chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, as the organization has since its founding, and not on additional legal fees and the uncertainty of litigation.**

### **Am I a Class Member?**

Yes. Our records indicate you are a Class Member. Class Members are persons with a Michigan street address who subscribed to a Playboy Publication to be delivered to a Michigan street address between January 1, 2016 and July 30, 2016, and who did not opt out of Playboy’s information sharing service. Playboy Publications include any magazine published by Defendant or one of its subsidiaries in the United States, including but not limited to *Playboy* magazine.

### **What Can I Get?**

A Settlement Fund of \$3,850,000.00 has been established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs to Class Counsel, and a service award to the Plaintiff. Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** submit a Claim Form (see instructions below) in order to receive a share of the Settlement Fund. **If you submit a Claim Form**, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates to will be for approximately \$220 per class member. The exact amount of the share of the Settlement Fund that you will receive depends on the number of requests for exclusion that are received.

### **How Do I Get a Payment?**

Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** complete and submit a Claim Form to receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$220. You may submit a Claim Form either electronically on the Settlement Website by clicking [here](#), or by printing and mailing in a paper Claim Form, copies of which are available for download [here](#). Claim Forms must be submitted online by 11:59 p.m. EST on May 4, 2020 or postmarked and mailed by May 4, 2020.

### **What are My Other Options?**

You may exclude yourself from the Class by sending a letter to the settlement administrator no later than May 4, 2020. If you exclude yourself, you cannot get a settlement payment, but you keep

any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than May 4, 2020. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant will be released.

**Who Represents Me?**

The Court has appointed Bursor & Fisher, P.A. and Hedin Hall LLP to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

**When Will the Court Consider the Proposed Settlement?**

The Court will hold the Final Approval Hearing at 11:00 A.M on June 10, 2020 at the Theodore Levin United States Courthouse, Room 120, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for his services in helping to bring and settle this case. Defendant has agreed that Class Counsel may be paid reasonable attorneys' fees from the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**How Do I Get More Information?**

For more information, including a more detailed Notice, a copy of the Settlement Agreement and other documents, go to [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com), contact the settlement administrator by calling 1-833-900-1639 or by writing to Playboy Magazine Settlement, c/o JND Legal Administration, PO Box 91350, Seattle, WA 98111, or contact Class Counsel by calling (646) 837-7150.

# EXHIBIT D

COURT AUTHORIZED NOTICE OF CLASS  
ACTION AND PROPOSED SETTLEMENT

**OUR RECORDS INDICATE YOU HAVE  
SUBSCRIBED TO A PLAYBOY PUBLICATION  
AND MAY BE ENTITLED TO A PAYMENT  
FROM A CLASS ACTION SETTLEMENT.**

A settlement has been reached in a class action lawsuit claiming that Defendant, magazine publisher Playboy Enterprises, Inc., disclosed its customers' subscription information to third parties, which is alleged to violate Michigan privacy law. **While Playboy believes that its practices were in compliance with Michigan law, Playboy chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, as the organization has since its founding, and not on additional legal fees and the uncertainty of litigation.**

**How Do I Get More Information?** For more information, including the full Notice, Claim Form and Settlement Agreement go to [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com), contact the settlement administrator by calling 1-(833)900-1639 or writing to Playboy Settlement Administrator, c/o JND Legal Administration, PO Box 91350, Seattle, WA 98111, or contact Class Counsel by calling (646) 837-7150.

*Playboy Magazine Settlement*  
c/o JND Legal Administration  
P.O. Box 91350  
Seattle, WA 98111

**IMPORTANT: THIS NOTICE CONTAINS UPDATED  
DEADLINES AND SETTLEMENT DETAILS.**  
**PLEASE READ IT CAREFULLY.**



Postal Service: Please do not mark barcode

«CF\_NAME»  
«CF\_ADDRESS\_1»  
«CF\_ADDRESS\_2»  
«CF\_CITY», «CF\_STATE» «CF\_ZIP»

2:19-cv-10302-BAF-RSW ECF No. 35-2 PageID 1039 Filed 07/31/20 Page 24

**Am I a Class Member?** Our records indicate you may be a Class Member. Class Members are persons with a Michigan street address who subscribed to a Playboy Publication to be delivered to a Michigan street address between January 1, 2016 and July 30, 2019, and who did not opt out of Playboy's information sharing service. Playboy Publications include any magazine published by Defendant or one of its subsidiaries in the United States, including but not limited to *Playboy* magazine.

**What Can I Get?** If approved by the Court, a Settlement Fund of \$3,850,000.00 has been established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys' fees and costs to Class Counsel, and a service award to Plaintiff. Once the Settlement becomes Final, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$110 per class member, consistent with the Settlement Agreement and the Court's order granting preliminary approval of the Settlement Class (and not the \$220 per class member figure on the original notice to you). The final amount you receive will also depend on the number of any requests for exclusion submitted.

**How Do I Get a Payment?** If you are a Class Member, you will automatically receive a *pro rata* share of the Settlement Fund, so long as you do not request to be excluded from the Settlement Class. Your payment will come by check, sent to the address indicated on the front of this notice. If you no longer reside at this address or are planning to change addresses prior to August 19, 2020, please complete and submit a change of address form accessible on the Settlement Website so that your check is sent to the correct address.

**What are My Other Options?** You may exclude yourself from the Class by submitting an online form on the Settlement Website no later than 11:59 p.m. on July 24, 2020 or by sending a letter to the settlement administrator no later than July 24, 2020. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Any written objection must be filed no later than July 24, 2020. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant and others will be released.

**When Will the Court Consider the Proposed Settlement?** The Court will hold the Final Approval Hearing at 11:00 A.M. on August 19, 2020 at the Theodore Levin United States Courthouse, Room 120, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for his services in helping to bring and settle this case. Defendant has agreed to pay Class Counsel reasonable attorneys' fees in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**Who Represents Me?** The Court has appointed Bursor & Fisher, P.A. and Hedin Hall LLP to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.



# **EXHIBIT E**

COURT AUTHORIZED NOTICE OF CLASS  
ACTION AND PROPOSED SETTLEMENT

**OUR RECORDS INDICATE YOU HAVE  
SUBSCRIBED TO A PLAYBOY PUBLICATION  
AND MAY BE ENTITLED TO A PAYMENT  
FROM A CLASS ACTION SETTLEMENT.**

A settlement has been reached in a class action lawsuit claiming that Defendant, magazine publisher Playboy Enterprises, Inc., disclosed its customers' subscription information to third parties, which is alleged to violate Michigan privacy law. **While Playboy believes that its practices were in compliance with Michigan law, Playboy chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, as the organization has since its founding, and not on additional legal fees and the uncertainty of litigation.**

**How Do I Get More Information?** For more information, including the full Notice, Claim Form and Settlement Agreement go to [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com), contact the settlement administrator by calling 1-(833)900-1639 or writing to Playboy Settlement Administrator, c/o JND Legal Administration, PO Box 91350, Seattle, WA 98111, or contact Class Counsel by calling (646) 837-7150.

*Playboy Magazine Settlement*  
c/o JND Legal Administration  
P.O. Box 91350  
Seattle, WA 98111

**By Order of the Court dated  
February 7, 2020, and amended  
March 16, 2020 and May 28, 2020**



Postal Service: Please do not mark barcode

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«CF\_ADDRESS\_1»  
«CF\_ADDRESS\_2»  
«CF\_CITY», «CF\_STATE» «CF\_ZIP»

2:19-cv-10302-BAF-RSW ECF No. 35-2 PageID 1042 Filed 07/31/20 Page 27

**Am I a Class Member?** Our records indicate you may be a Class Member. Class Members are persons with a Michigan street address who subscribed to a Playboy Publication to be delivered to a Michigan street address between January 1, 2016 and July 30, 2016, and who did not opt out of Playboy's information sharing service. Playboy Publications include any magazine published by Defendant or one of its subsidiaries in the United States, including but not limited to *Playboy* magazine.

**What Can I Get?** If approved by the Court, a Settlement Fund of \$3,850,000.00 has been established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys' fees and costs to Class Counsel, and a service award to Plaintiff. Once the Settlement becomes Final, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$110 per class member, although the final amount you receive will also depend on the number of requests for exclusion submitted.

**How Do I Get a Payment?** If you are a Class Member, you will automatically receive a *pro rata* share of the Settlement Fund, so long as you do not request to be excluded from the Settlement Class. Your payment will come by check, sent to the address indicated on the front of this notice. If you no longer reside at this address or are planning to change addresses prior to August 19, 2020, please complete and submit a change of address form accessible on the Settlement Website so that your check is sent to the correct address.

**What are My Other Options?** You may exclude yourself from the Class by submitting an online form on the Settlement Website no later than 11:59 p.m. on July 24, 2020 or by sending a letter to the settlement administrator no later than July 24, 2020. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Any written objection must be filed no later than July 24, 2020. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant and others will be released.

**When Will the Court Consider the Proposed Settlement?** The Court will hold the Final Approval Hearing at 11:00 A.M on August 19, 2020 at the Theodore Levin United States Courthouse, Room 120, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for his services in helping to bring and settle this case. Defendant has agreed to pay Class Counsel reasonable attorneys' fees in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**Who Represents Me?** The Court has appointed Bursor & Fisher, P.A. and Hedin Hall LLP to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

# **EXHIBIT F**

From: info@PlayboyMagazineSettlement.com  
To: [JonQClassMember@domain.com](mailto:JonQClassMember@domain.com)  
Re: Legal Notice of Class Action Settlement

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*Kokoszki v. Playboy Enterprises, Inc.*, Case No. 2:19-cv-10302-BAF-RSW  
(United States District Court for the Eastern District of Michigan)

**IMPORTANT: THIS NOTICE CONTAINS UPDATED DEADLINES AND  
SETTLEMENT DETAILS.  
PLEASE READ IT CAREFULLY.**

This notice is to inform you of the settlement of a class action lawsuit with publisher Playboy Enterprises, Inc. (“Playboy”), the Defendant in this case. Plaintiff Mark Kokoszki alleges that Defendant disclosed its customers’ subscription information to third parties which is alleged to violate Michigan privacy law. **While Playboy believes that its practices were in compliance with Michigan law, Playboy chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, as the organization has since its founding, and not on additional legal fees and the uncertainty of litigation.**

### **Am I a Class Member?**

Yes. Our records indicate you are a Class Member. Class Members are persons with a Michigan street address who subscribed to a Playboy Publication to be delivered to a Michigan street address between January 1, 2016 and July 30, 2016, and who did not opt out of Playboy’s information sharing service. Playboy Publications include any magazine published by Defendant or one of its subsidiaries in the United States, including but not limited to *Playboy* magazine.

### **What Can I Get?**

A Settlement Fund of \$3,850,000.00 has been established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs to Class Counsel, and a service award to the Plaintiff. Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** submit a Claim Form (see instructions below) in order to receive a share of the Settlement Fund. **If you submit a Claim Form**, and once the Settlement becomes Final, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$110 per class member, consistent with the Settlement Agreement and the Court’s order granting preliminary approval of the Settlement Class (and not the \$220 per class member figure on the original notice to you). The final amount you receive will also depend on the number of any requests for exclusion submitted.

### **How Do I Get a Payment?**

Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** complete and submit a Claim Form to receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$110. You may submit a Claim Form either

electronically on the Settlement Website by clicking [here](#), or by printing and mailing in a paper Claim Form, copies of which are available for download [here](#). Claim Forms must be submitted online by 11:59 p.m. EST on July 24, 2020 or postmarked and mailed by July 24, 2020.

**What are My Other Options?**

You may exclude yourself from the Class by sending a letter to the settlement administrator no later than July 24, 2020. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than July 24, 2020. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant will be released.

**Who Represents Me?**

The Court has appointed Bursor & Fisher, P.A. and Hedin Hall LLP to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

**When Will the Court Consider the Proposed Settlement?**

The Court will hold the Final Approval Hearing at 11:00 A.M on August 19, 2020 at the Theodore Levin United States Courthouse, Room 120, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for his services in helping to bring and settle this case. Defendant has agreed that Class Counsel may be paid reasonable attorneys' fees from the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**How Do I Get More Information?**

For more information, including a more detailed Notice, a copy of the Settlement Agreement and other documents, go to [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com), contact the settlement administrator by calling 1-833-900-1639 or by writing to Playboy Magazine Settlement, c/o JND Legal Administration, PO Box 91350, Seattle, WA 98111, or contact Class Counsel by calling (646) 837-7150.

# EXHIBIT G

From: info@PlayboyMagazineSettlement.com  
To: [JonQClassMember@domain.com](mailto:JonQClassMember@domain.com)  
Re: Legal Notice of Class Action Settlement

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*Kokoszki v. Playboy Enterprises, Inc.*, Case No. 2:19-cv-10302-BAF-RSW  
(United States District Court for the Eastern District of Michigan)

This notice is to inform you of the settlement of a class action lawsuit with publisher Playboy Enterprises, Inc. (“Playboy”), the Defendant in this case. Plaintiff Mark Kokoszki alleges that Defendant disclosed its customers’ subscription information to third parties which is alleged to violate Michigan privacy law. **While Playboy believes that its practices were in compliance with Michigan law, Playboy chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, as the organization has since its founding, and not on additional legal fees and the uncertainty of litigation.**

### **Am I a Class Member?**

Yes. Our records indicate you are a Class Member. Class Members are persons with a Michigan street address who subscribed to a Playboy Publication to be delivered to a Michigan street address between January 1, 2016 and July 30, 2016, and who did not opt out of Playboy’s information sharing service. Playboy Publications include any magazine published by Defendant or one of its subsidiaries in the United States, including but not limited to *Playboy* magazine.

### **What Can I Get?**

A Settlement Fund of \$3,850,000.00 has been established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs to Class Counsel, and a service award to the Plaintiff. Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** submit a Claim Form (see instructions below) in order to receive a share of the Settlement Fund. **If you submit a Claim Form**, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates to will be for approximately \$110 per class member. The exact amount of the share of the Settlement Fund that you will receive depends on the number of requests for exclusion that are received.

### **How Do I Get a Payment?**

Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** complete and submit a Claim Form to receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$110. You may submit a Claim Form either electronically on the Settlement Website by clicking [here](#), or by printing and mailing in a paper Claim Form, copies of which are available for download [here](#). Claim Forms must be submitted online by 11:59 p.m. EST on July 24, 2020 or postmarked and mailed by July 24, 2020.

### **What are My Other Options?**

You may exclude yourself from the Class by sending a letter to the settlement administrator no later than July 24, 2020. If you exclude yourself, you cannot get a settlement payment, but you



keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than July 24, 2020. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant will be released.

**Who Represents Me?**

The Court has appointed Bursor & Fisher, P.A. and Hedin Hall LLP to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

**When Will the Court Consider the Proposed Settlement?**

The Court will hold the Final Approval Hearing at 11:00 A.M on August 19, 2020 at the Theodore Levin United States Courthouse, Room 120, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for his services in helping to bring and settle this case. Defendant has agreed that Class Counsel may be paid reasonable attorneys' fees from the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

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For more information, including a more detailed Notice, a copy of the Settlement Agreement and other documents, go to [www.PlayboyMagazineSettlement.com](http://www.PlayboyMagazineSettlement.com), contact the settlement administrator by calling 1-833-900-1639 or by writing to Playboy Magazine Settlement, c/o JND Legal Administration, PO Box 91350, Seattle, WA 98111, or contact Class Counsel by calling (646) 837-7150.

# EXHIBIT H

***Kokoszki v. Playboy Enterprises, Inc.***

Case No. 2:19-cv-10302-BAF-RSW

Opt-Outs Received

|   | Full Name        | Status    |
|---|------------------|-----------|
| 1 | ROBERT A DUNKLEE | VALID     |
| 2 | MARK ORIHEL      | VALID     |
| 3 | HERBERT MATUSKEY | VALID     |
| 4 | PAULL RAMBADT    | DEFICIENT |
| 5 | SHANNA MORGAN    | INVALID   |
| 6 | LISA KARCHER     | INVALID   |